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Practitioner's Docket No. 1003-015D1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

02/04/02
JC511
PTO

Box Patent Application
Commissioner for Patents
Washington, D.C. 20231

J1046 U.S. PTO
10/067111
02/04/02

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Ryan et al.

For (title): IMPROVED FLOW CYTOMETRY REAGENT AND SYSTEM

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10*

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37 C.F.R. Section 1.8(a)

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(type or print name of person certifying)

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1. Type of Application

This transmittal is for a divisional application.

2. Benefit of Prior U.S. Application (35 U.S.C. Sections 119(e), 120, or 121)

The new application being transmitted claims the benefit of prior U.S. application. Enclosed are
ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S.
APPLICATION CLAIMED.

3. Papers Enclosed

A. Required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design)
Application

9 Page(s) of Specification

4 Page(s) of Claims

2 Sheet(s) of Drawing(s)--Formal

B. Other Papers Enclosed

3 Page(s) of declaration and power of attorney

1 Page(s) of abstract

1 Page(s) of Application Data Sheet

4. Additional Papers Enclosed

Preliminary Amendment (6 pages)

Information Disclosure Statement (37 C.F.R. 1.98) (2 pages)

Form PTO-1449 (PTO/SBB/08A)

5. Declaration or Oath

Enclosed

Executed by: Inventors

6. Inventorship Statement

The inventorship for all the claims in this application is the same.

7. Language

English

8. Fee Calculation (37 C.F.R. Section 1.16)

Regular Application

| CLAIMS AS FILED | | | | | |
|--|--------------|---------------------|--------------|----------|--------------------------------------|
| Claims | Number Filed | Basic Fee Allowance | Number Extra | Rate | Basic Fee 37 CFR 1.16(a) \$740.00 |
| Total Claims (37 CFR 1.16(c)) | 16 | - 20 = | 0 x | \$18.00 | \$0.00 |
| Independent Claims (37 CFR 1.16(b)) | 3 | - 3 = | 1 x | \$42.00 | \$0.00 |
| Multiple Dependent Claim(s), if any (37 CFR 1.16(d)) | | | + | \$270.00 | \$0.00 |

Amendment cancelling extra claims is enclosed.

Filing Fee Calculation

9. Small Entity Statement(s)

Status as small entity was claimed in prior application 09/747,619, filed on December 22, 2000, from which benefit is being claimed for this application under 35 U.S.C. SECTION 119(e), and which status as a small entity is still proper and desired.

A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of above)

\$370.00

10. Fee Payment Being Made at This Time

Enclosed

Filing Fee

\$370.00

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Total Fees Enclosed

\$370.00

11. Method of Payment of Fees

Check in the amount of \$370.00 is attached.

12. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 50-1097.

13. Instructions as to Overpayment

Credit Account No. 50-1097.

**ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF
PRIOR U.S. APPLICATION CLAIMED**

14. Relate Back

Amend the specification by inserting, before the first line, the following sentence.

A. 35 U.S.C. Sections 120, 121 and 365(c)

"This application is a divisional of copending application:

Application number 09/747,619 filed on December 22, 2000.

15. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- a. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor in this application is the same.

16. Small Entity (37 C.F.R. Section 1.28(a))

Applicant has established small entity status by the filing of a statement in parent application 09/747,619 on December 22, 2000.

A copy of the statement previously filed is included.

17. NOTIFICATION IN PARENT APPLICATION OF THIS FILING

A notification of the filing of this divisional is being filed in the parent application, from which this application claims priority under 35 U.S.C. Section 120.

Date: 4 February 2002

120. Full Name

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